FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1636 OF 2006

Lokhandwala Kataria Construction Pvt. Ltd., ..Applicant

Versus

State of Maharashtra & Ors. ..Respondents

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Mr.Vijay Pradhan i/by Kiran Jain & Anil Pratapsing for the applicant.

Mr.G.D.Utangale i/by M/s.Utangale & Co. for Respondent No.2.

Mr.Ajit Jakhadi for Respondent no.7.

Coram : R.S.Mohite,J

Date : 3.5.2006.

PC

1. Heard both sides. For the moment, it is not possible to pass an order directing the police to give police protection for demolition of any hutment whether residential or commercial which is occupied. It is however, an admitted position that some of the hutments of some of the hutment dwellers are already demolished. APP after taking instructions from

both the police officers i.e. Maruti Naik from N.M.Marg police station and Yeshwant Godse from Agri Pada police station makes a statement that it will be possible to give police protection for the limited purpose of removal of debris of hutments which have already been demolished and in which nobody is presently staying. However, it will not be possible to give police protection for demolition of hutments which are occupied whether residential or commercial until and unless application under Section 47 is finally decided by the Additional Commissioner. Final orders are yet to be passed by the Additional Commissioner. Statement made by the learned APP is accepted. In the circumstances, police protection may be given to the petitioners within a period of one week from today at the cost of the petitioners only for the limited purpose of removing the debris of the hutments which are already demolished within the scheme area.

While removing debris, care will be taken to see that no harm to the occupied structures are caused. APP states that the Additional Commissioner will endevour to decide the application under Section 47 within a period of 2 weeks from the date of receipt of the report from the Assistant Commissioner, B.M.C., which is awaited. With liberty to challenge any such order, the application stands disposed of. Authenticated copy be provided.

(R.S.Mohite,J)